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FISCAL IMPACT STATEMENT

LS 6982

BILL NUMBER: SB 223

NOTE PREPARED: May 2, 2011

BILL AMENDED: Apr 29, 2011

SUBJECT: Medical Licensing Board Investigations.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR: Rep. Crouch

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State

Summary of Legislation: *Medical Licensing Board-* The bill authorizes the Medical Licensing Board of Indiana (MLB) to investigate and assess civil penalties for specified violations by licensed physicians.

Attorney General- The bill requires the Division of Consumer Protection within the Office of the Attorney General (AG) to forward complaints about specified violations to the MLB unless certain circumstances are met.

Appeals- The bill allows a physician who is determined by the MLB to have committed a violation to appeal the MLB's determination.

Physician Compliance Fund- The bill establishes the Physician Compliance Fund (PCF) consisting of penalties assessed and collected by the MLB for violations determined by the MLB through investigations.

Reporting Requirements- The bill specifies reports that the MLB is required to make to the National Practitioner Data Bank concerning disciplinary action taken by the MLB, and prohibits the MLB from reporting specified administrative penalties.

Effective Date: Upon passage.

Explanation of State Expenditures: *Medical Licensing Board-* The MLB would be given the authority to investigate complaints concerning licensed physicians that currently are investigated by the AG's Division of Consumer Protection. Any additional expenditures necessary to process new investigations would depend on the number of complaints that were investigated by the MLB.

The Professional Licensing Agency (PLA) workgroup assigned to the MLB would see an increase in their workload to provide the administrative support to the MLB's investigations. The additional funds and resources required by the PLA could be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Attorney General- By forwarding complaints to the MLB, this provision could reduce the amount of administrative time the AG's Division of Consumer Protection currently devotes to physician complaint investigations for other consumer protection complaints.

Explanation of State Revenues: *Physician Compliance Fund-* The bill would establish the PCF to fund the administration and enforcement of investigations of physicians conducted by the MLB. The PCF would consist of revenue from civil penalties collected by the MLB from physicians that have been determined by the MLB to have committed a violation. The amount of revenue the PCF could receive is indeterminable, and would depend on the number of civil penalties assessed in future years by the MLB. The bill places a limit of \$1,000 per penalty assessed by the MLB for a violation. Revenue in the PCF at the end of a state fiscal year would not revert to the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Attorney General, Professional Licensing Agency.

Local Agencies Affected:

Information Sources: Professional Licensing Agency.

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